

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KYONG MI HONG,

Plaintiff,

-against-

JUSTIN SUN; TRON FOUNDATION
LIMITED; BITTORRENT FOUNDATION
LTD.,

Defendants.

23-CV-5500 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. By order dated October 13, 2023, the Court construed Plaintiff's October 9, 2023 letter (ECF 12) as a motion to voluntarily withdraw this action under Federal Rule of Civil Procedure 41(a), and as a request for the refund of the \$402.00 in filing fees. The Court granted the motion, and dismissed the action without prejudice under Rule 41(a). (ECF 13). The Court also granted Plaintiff 30 days' leave to submit a letter clearly stating that he would like to proceed with this action. The order stated that if Plaintiff does not submit such a letter within 30 days, the Court would issue an order closing this case and directing the Clerk of Court to refund Plaintiff the \$402.00 in fees.

Plaintiff has not submitted a letter stating that he would like to proceed with this action. The Court therefore dismisses this action without prejudice under Rule 41(a) and directs the Clerk of Court to close this case. The Court further directs the Clerk of Court to refund Plaintiff the \$402.00 in fees.

CONCLUSION

The Court dismisses this action without prejudice under Federal Rule of Civil Procedure 41(a). The Court directs the Clerk of Court to close this action.

The Court further directs the Clerk of Court to refund Plaintiff the \$402.00 in fees.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 15, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge